THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6317 OF 2007

02.4.2007

Between

P.Prabhakar Rao, S/o.Raghava Rao

... Petitioner

AND

The Tahsildar, Elkathurthy Mandal, Karimnagar District

And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6317 OF 2007

ORDER:

The petitioner herein purchased the land admeasuring Acs.4.07 gts in survey No.557 of Gudibandapally village H/o.Suraram village of Elkathurthy Mandal in Karimngar District from Kolipaka Ilaiah under a registered sale deed bearing document No.3695 of 1977 dated 12.8.1977. The petitioner is allegedly in possession and cultivating the land. The first respondent initiated action under the provisions of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity) for resumption of the land on an allegation that the land was in occupation of a third party in contravention of the provisions of Section 3(2) of the Act. An order directing resumption of the land was passed on 12.3.2007, aggrieved by which, the present writ petition is filed.

The only submission made by the learned Counsel for the petitioner is that when the petitioner is purchaser of the land, the impugned order was issued without notice to the petitioner as required under Rule 3(1) of A.P. Assigned Lands (Prohibition of Transfers) Rules, 1977 (the Rules, for brevity). He would therefore urge that the impugned order is null and void. **Per contra**, learned Assistant Government Pleader for Revenue (Assignment) submits that after receiving the notice, the petitioner's brother, P.Papa Rao, submitted explanation stating that the land was purchased by the petitioner but Papa Rao is in possession of the land and, therefore, the impugned order does not suffer from any infirmity.

The petitioner has filed a Xerox copy of the sale deed dated

12.8.1977 under which he purchased the property from Kolipaka Ilaiah, the original assignee. Learned Counsel for the petitioner also submits that it is only the petitioner who was in occupation of the land and, therefore, as required under Rule 3 of the Rules, a notice was compulsory to the occupant of the land. Whether the petitioner is in possession of the property or his brother is in possession of the property and whether a valid notice is issued to the petitioner, are the matters that have to be verified by appropriate authority. The petitioner has effective alternative remedy by way of appeal under Section 4-A of the Act. Therefore, the petitioner is given liberty to prefer appeal to the Revenue Divisional Officer having jurisdiction over the matter, and obtain appropriate interim orders. So as to enable the petitioner to do so, there shall be *status quo* as on today for a period of two weeks from today.

The writ petition is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

April 02, 2007.

NOTE:

Dispatch order copy by

04.4.2007.

(By order)

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